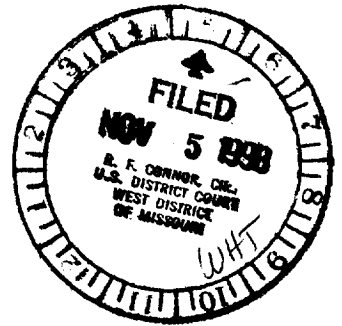


IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

COURT EN BANC ORDER
(Electronic Filing Procedures)



Federal Rule of Civil Procedure 5(e) authorizes this Court to establish practices and procedures for the filing, signing and verification of documents by electronic means. This Court is conducting a pilot project to implement electronic case filing (ECF). The court en banc decided on October 2, 1997, that during this pilot project the following procedures apply to all cases designated for ECF:

1. Designation of cases. The Court shall select those cases to be designated for ECF and shall notify the parties.

2. Logins and passwords. Access to the ECF system may be obtained as follows:

a. Each attorney in good standing in this Court shall be entitled to one ECF system login and password to permit the attorney to electronically file and retrieve pleadings and other documents.

b. Login and password application forms are available in the Office of the Clerk.

c. No attorney shall knowingly permit or cause to permit his/her password/login to be used by anyone other than an authorized employee of his/her law firm or organization.

d. No person shall knowingly use or cause use of a

password by anyone other than an authorized employee of his/her law firm or organization.

3. **Electronic filing of documents.**

a. Except as expressly provided in paragraph 6a below, or as ordered by the Court, all motions, pleadings, legal memoranda or other documents required to be filed with the Court shall be electronically filed.

b. The electronic filing of a pleading or other document in accordance with these procedures shall constitute filing of the document for all purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court and shall constitute entry of that pleading or other document on the docket kept by the Clerk under FRCP 79(a).

c. All orders, decrees, judgments, and proceedings of the Court will be entered in accordance with these procedures and shall constitute entry of the order, decree, judgment or proceeding on the docket kept by the Clerk under FRCP 79(a).

d. The person electronically filing a pleading or other document must title the document using one of the categories contained in the ECF Procedures Manual, which is available in the Clerk's Office.

e. For filings that require a fee to be paid to the Office of the Clerk, authorization for credit card payment may be obtained from the financial officer of

the Office of the Clerk.

4. Signatures.

a. Use of the attorney's password/login to electronically file a pleading, affidavit or other document constitutes the attorney's signature for all purposes.

b. Any pleading, affidavit or other document containing original signatures shall indicate on the electronically filed document a signature, e.g., "s/Jane Doe". The originally executed copy must be maintained by the filer for two (2) years after final resolution of the action, including final disposition of all appeals.

5. Service.

a. Each person, including the Office of the Clerk, electronically filing a pleading, order, decree, judgment or other document shall, on the same day, serve a "Notice of Electronic Filing" on parties entitled to service under the Federal Rules of Civil Procedure and the Local Rules. The "Notice of Electronic Filing" shall be served by hand, facsimile, E-Mail or by first-class mail postage prepaid. In addition, a paper copy of the electronically filed pleading or other document shall be (i) delivered to the chambers of the judge assigned to the case, together with a copy of the "Notice of Electronic Filing" until the judge assigned to the case orders

otherwise, and (ii) served on those parties not designated to receive or not able to receive electronic notice. If such service of a paper copy is to be made, it shall be made pursuant to the Federal Rules of Civil Procedure and the Local Rules.

b. Participants in the ECF pilot project agree to receive notice and service as provided herein.

c. Pleadings or other documents which are not filed electronically shall be served in accordance with the Federal Rules of Civil Procedure and the Local Rules except as otherwise provided by Order of the Court.

6. Conventional filing of documents.

a. The following documents shall only be filed conventionally and not electronically unless specifically authorized by the Court.

(1) Complaints.

(2) Attachments to a motion or pleading which are not available in an electronic format. The filer should also extract and file electronically any part of the attachment which the filer has in an electronic format.

(3) Documents to be filed under seal. However, the motion to file documents under seal shall be filed electronically unless prohibited by law.

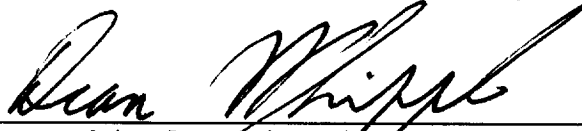
(a) The Order of the Court authorizing the filing of documents under seal shall be filed electronically by the assigned judge unless

prohibited by law. A paper copy of the Order shall be attached to the documents under seal and be delivered to the Office of the Clerk.

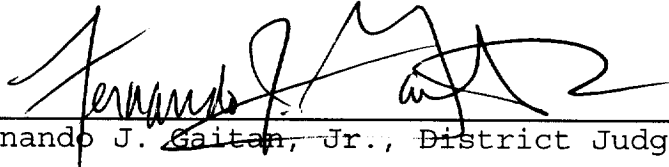
- (4) Transcripts.
- (5) Records from state court proceedings.
- (6) Proposed orders.



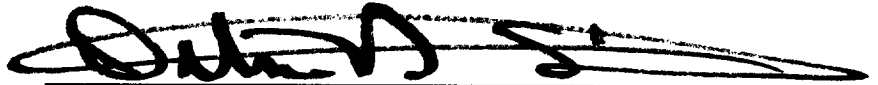
D. Brook Bartlett, Chief Judge



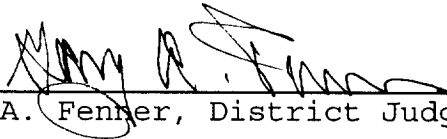
Dean Whipple, District Judge



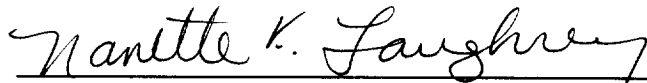
Fernando J. Gaitan, Jr., District Judge



Ortrie D. Smith, District Judge



Gary A. Fenner, District Judge



Nanette K. Laughrey, District Judge

Kansas City, Missouri

Dated: